

Docket No. AB-184U

REMARKS**Election/Restriction**

On page 2 of the Office action, election to a single disclosed species was required under 35 U.S.C. 121. Applicant herein elects, with traverse, the species shown in FIG. 1 (which species, as indicated below, is better shown in FIG. 3). Claims 1-9 and 13-14 clearly read on this species. Others of the claims, i.e., Claims 10-12 and 15-21, may read on this species. Claims 22-27 have been withdrawn, as these claims read on a patentably distinct species, FIG. 11. At least claims 22-27 will be pursued in a continuing application.

Election of Species

On page 2 of the Office action, the following "patentably distinct species of the claimed invention" were identified: "Figures 1, 4, 5, 6, 7A, 7B, 7C, 8A, 9, 10A, and 11." Applicant traverses this finding of distinct species.

The invention, as set forth in claim 1, comprises a cranial sealing plug assembly that includes: (1) a burr hole plug ring ("ring") that is insertable into a burr hole made in a patient's skull, and (2) a sealing member ("plug") that seals the opening through the ring. FIG. 1 shows only the ring, so it is respectfully submitted that it does not show a patentably distinct species of the Claim 1 invention. FIG. 3 (which really includes FIGS. 3A-3D) shows both the ring and the plug, and thus better shows this ring/plug species. FIG. 2 shows the ring fitting within a burr hole. FIGS. 4 and 5 show variations of plug assemblies that could be used within the ring. FIG. 7 (FIGS. 7A-7C) shows rings of different sizes (to fit burr holes having different diameters) in which a plug assembly (the plug assembly of FIG. 4 is shown, but this is only exemplary) having a fixed size may be used. Thus, it is seen that FIGS. 1-5 and FIG. 7 show a first species of the invention, which species is probably best shown in FIG. 3, with variations of the plug assembly being shown in FIGS. 4 and 5, and with variations of the ring being shown in FIG. 7.

FIGS. 6A-6D show variations of a plug assembly that could be used within the ring, or within a burr hole (without a ring). If used solely as a plug assembly without a ring, such plug assembly could arguably be considered as a second species of the invention. If used with

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a ring, such plug assembly could also be viewed as just a variation of the first species of the invention.

FIGS. 8-9 show further variations of a plug assemblies that may be used within a ring, or within a burr hole (without a ring). If used solely as a plug assembly without a ring, such plug assembly could arguably be considered as a third species of the invention. If used with a ring, such plug assembly could be viewed as a variation of the first species of the invention.

FIG. 10 (FIGS. 10A-10F) shows a further variation of a plug that may be used within a ring, or within a burr hole (without a ring). If used solely as a plug assembly without a ring, such plug could arguably be considered as a fourth species of the invention. If used with a ring, such plug could be viewed as just a variation of the first species of the invention.

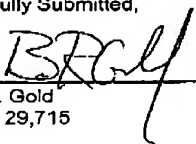
FIG. 11 (FIGS. 11A-11C) show a patentably distinct species of the invention. Claims 22-27 are directed to this species, and these claims have been withdrawn from this application by way of this response. At least these claims will be pursued in one or more continuing applications.

Claims 1-9 and 13-14 clearly read on the first species (FIGS. 1-5, 7). Others of the claims, i.e., Claims 10-12 and 15-17, may also read on this species if the claims are construed to include a ring in addition to the claimed plug. Still others of the claims, i.e., Claims 18-21, may also read on this species if the claims are construed to include a plug in addition to the claimed ring.

Respectfully Submitted,

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